

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES KUCZMASKI, ADAM PIKE,)	
RYAN PHILLIPS, JOSH STONE,)	
SUHAN LOWERY, KEVIN BELL,)	
and HAMP CRUM, III, individually and)	
on behalf of all other persons similarly)	
situated,)	
)	
Plaintiffs,)	Civil Action No. 2:06-cv-731
)	
v.)	
)	
US FOODSERVICE,)	
)	
Defendant.)	

REPORT OF THE PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on **October 18, 2006**, via telephone, and was attended by:

Gregory O. Wiggins, attorney for plaintiffs;

Tammy L. Baker, attorney for defendant.

2. **Pre-Discovery Disclosures.** By **November 17, 2006**, the parties will exchange the information required by Local Rule 26.1(a)(1).

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the claims that plaintiffs properly have before the court, defendant's affirmative defenses, and the alleged damages of the plaintiffs.

All discovery should be commenced in time to be completed by **June 15, 2007**.

Interrogatories (Responses due 30 days after service)

Maximum of 50 interrogatories (including subparts) collectively between plaintiffs and defendant with regard to collective action issues, and maximum of 25 (including subparts) by each party to any other party with regard to the merits of the named plaintiffs' claims.

Requests for Production of Documents (Responses due 30 days after service)

Maximum of 50 requests (including subparts) collectively between plaintiffs and defendant with regard to collective action issues, and maximum of 25 (including subparts) by each party to any other party with regard to the merits of the named plaintiffs' claims.

Requests for Admissions (Responses due 30 days after service)

Maximum of 50 requests (including subparts) collectively between plaintiffs and defendant with regard to collective action issues, and maximum of 25 (including subparts) by each party to any other party with regard to the merits of the named plaintiffs' claims.

Depositions - Maximum of ten depositions collectively by plaintiffs and ten depositions by defendant (in addition to the named plaintiffs) with regard to collective action issues. Maximum of eight depositions by plaintiffs collectively and eight depositions by defendant (in addition to the named plaintiffs) with regard to the merits of the named plaintiffs' claims. Depositions shall be limited to a maximum of seven (7) hours each unless extended by agreement of the parties or by direction of the Court.

Experts - Reports from retained experts under Fed. R. Civ. P. 26(a)(2) due:

from plaintiffs by **March 15, 2007**.

from defendant by **April 16, 2007**.

Supplementations under Fed. R. Civ. P. 26(e)(1) are an ongoing and continuous requirement but must be made no later than 30 days before the close of discovery.

4. **Other Items.**

The deadlines for joining additional parties or amending the pleadings are November 15, 2006, for plaintiffs and December 15, 2006, for defendant. This deadline does not include any potential opt-in plaintiffs in the event notice is given by the Court.

All potentially dispositive motions should be filed by **June 4, 2007**.

The parties have discussed whether this action may be suitable for mediation under the Court's Alternative Dispute Resolution Plan. The parties believe that early mediation of this case could be productive.

Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) should be due:

from plaintiffs by 30 days before trial;

from defendant by 30 days before trial;

Parties should have 10 days after service of final lists of witnesses and exhibits to identify and serve objections under Fed. R. Civ. P. 26(a)(3).

The case should be ready for trial for the docket of **November 5, 2007**. At this time, the number of trial days necessary is difficult to estimate.

Dated this 19th day of October, 2006.

ATTORNEYS FOR PLAINTIFFS:

ATTORNEYS FOR DEFENDANT:

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